

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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U.S. BANK NATIONAL ASSOCIATION, NOT :
IN ITS INDIVIDUAL CAPACITY BUT :
SOLELY AS TRUSTEE FOR THE RMAC :
TRUST, SERIES 2016-CTT, :
Plaintiff, :
v. :
EDWARD A. PUSZ, III, and KELLY A. PUSZ, :
Defendants.
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USBC SDNY
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DATE FILED: 1-3-20

ORDER

19 CV 2513 (VB)

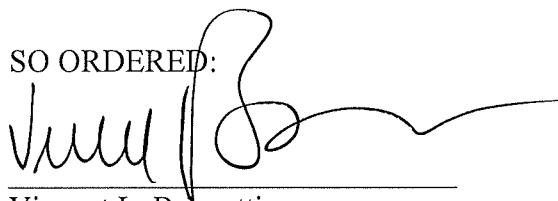
On September 25, 2019, plaintiff's counsel, Stephen Vargas, Esq., informed the Court that defendant Kelly A. Pusz had filed a Chapter 7 voluntary bankruptcy petition. (Doc. #24). Accordingly, the Court ordered plaintiff to file an update regarding the status of bankruptcy proceedings by December 27, 2019, and every ninety days thereafter, as well as within ten days of completion of the bankruptcy proceedings. (Doc. #25).

To date, Mr. Vargas has failed to file an update regarding the status of the bankruptcy proceedings. This is the second time Mr. Vargas has failed to comply with a Court Order in this case. (See Doc. #20). Mr. Vargas has similarly failed to comply with Court Orders in other cases in this Court. See, e.g., Freedom Mortgage Corp. v. Astrid Sampson, 18 Civ. 3011 (S.D.N.Y. Jan. 9, 2019), ECF No. 12 (failing to file status report). Mr. Vargas's conduct in this regard is not only unprofessional, but it also wastes the Court's time and is inconsistent with his obligation to "secure the just, speedy, and inexpensive determination" of this action. Fed. R. Civ. P. 1.

Accordingly, the Court sua sponte extends to January 10, 2020, Mr. Vargas's time to file a status report regarding Ms. Pusz's bankruptcy proceedings. **Failure to comply with the Court's Order will result in dismissal of this case for failure to prosecute or comply with Court orders. See Fed. R. Civ. P. 41(b).** To be clear, the Court will dismiss this case for failure to prosecute unless Mr. Vargas, or another attorney from Gross Polowy LLC, by January 10, 2020, files a status report regarding Ms. Pusz's bankruptcy proceedings.

The Clerk is directed to mail copies of this Order to defendants at the addresses on the docket.

Dated: January 3, 2020
White Plains, NY

SO ORDERED:

Vincent L. Briccetti
United States District Judge